



Reprinted
February 3, 2009

SENATE BILL No. 194

DIGEST OF SB 194 (Updated February 2, 2009 2:15 pm - DI 87)

Citations Affected: IC 36-7.

Synopsis: Indianapolis historic preservation commission. Requires the mayor to appoint five members and the city-county council to appoint four members of the Indianapolis Historic Preservation Commission. (Current law requires the mayor to appoint all nine members.) Requires the city-county council to appoint one member who is a resident of a historic district. (Current law requires the mayor to appoint at least one member who is a resident of a historic district.) Allows the city-county council to appoint one member and the mayor to appoint two members from lists of names submitted by the Historic Landmarks Foundation of Indiana and the historical society of Marion County. Allows the mayor to appoint one member who is a member of the metropolitan development commission. Allows the mayor and the city-county council to each appoint a member from a list of names submitted by the local chapter of the American Institute of Architects. (Current law provides that the mayor makes the discretionary appointments.) Provides that a member serves at the pleasure of the appointing authority and may be removed for any reason. Provides that a member appointed before July 1, 2009, continues to serve as a member of the commission after June 30, 2009, until the member's term expires or the executive removes the member for any reason. Provides that if the executive removes the member for any reason, the executive appoints a successor to serve for the remainder of the vacated term.

Effective: July 1, 2009.

Miller, Gard, Sipes

January 7, 2009, read first time and referred to Committee on Local Government.
January 22, 2009, amended, reported favorably — Do Pass.
January 26, 2009, read second time, amended, ordered engrossed. Engrossed.
January 29, 2009, returned to second reading.
February 2, 2009, re-read second time, amended, ordered engrossed.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 194

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-7-11.1-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The executive
3 **and the legislative body** of the consolidated city shall appoint a
4 commission of nine (9) members to be known as the "
5 Historic Preservation Commission" (including the name of the city). ~~At~~
6 ~~least one (1) of the members must be a resident of an historic area in~~
7 ~~the city. Three (3) of the members may be selected from lists of names~~
8 ~~submitted by the Historic Landmarks Foundation of Indiana and the~~
9 ~~historical society of the county. One (1) member may be selected from~~
10 ~~a list of names submitted by the local chapter of the American Institute~~
11 ~~of Architects. One (1) member may be a member of the metropolitan~~
12 ~~development commission.~~
13 (b) The following apply to the appointment of members:
14 (1) The executive shall appoint five (5) members of the
15 commission. The executive:
16 (A) may select two (2) members from lists of names
17 submitted by the Historic Landmarks Foundation of

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Indiana and the historical society of the consolidated city's county;

(B) may select one (1) member who is a member of the metropolitan development commission; and

(C) may select one (1) member from a list of names submitted by the local chapter of the American Institute of Architects.

(2) The legislative body shall appoint four (4) members of the commission. The legislative body:

(A) shall select one (1) member who is a resident of a historic area of the consolidated city;

(B) may select one (1) member from lists of names submitted by the Historic Landmarks Foundation of Indiana and the historical society of the consolidated city's county; and

(C) may select one (1) member from a list of names submitted by the local chapter of the American Institute of Architects.

~~(b)~~ (c) Each Except as provided in subsection (d), each appointment to the commission is for a term of four (4) years, commencing on January 1 following the appointment, and until a successor is appointed and is qualified. A member is eligible for reappointment.

(d) A member shall serve at the pleasure of the appointing authority and may be removed for any reason.

~~(e)~~ (e) If a vacancy occurs in the commission during any term, a successor shall be appointed by the ~~executive~~ appointing authority to serve for the remainder of the vacated term. ~~Any member of the commission may be removed for cause by the executive.~~ All members must be residents of the county.

~~(d)~~ (f) The members receive no salary, but are entitled to reimbursement for any expenses necessarily incurred in the performance of their duties.

~~(e)~~ (g) At its first scheduled meeting each year, the commission shall hold a meeting for the purpose of organization. The commission shall elect from its membership a president, vice president, secretary, and treasurer who shall perform the duties pertaining to those offices. The officers serve from the date of their election until their successors are elected and qualified. The commission may adopt bylaws and rules for the proper conduct of its proceedings, the carrying out of its duties, and the safeguarding of its funds and property. A majority of the members of the commission constitute a quorum, and the concurrence

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of a majority of the commission is necessary to authorize any action.

~~(h)~~ **(h)** A member of the commission is not disqualified from hearing and voting upon any matter coming before the commission because that member owns or occupies property within or adjacent to a historic area, unless that property is the subject property or located within two hundred (200) feet of it.

~~(g)~~ **(i)** A member of the commission who is absent from three (3) consecutive regular meetings of the commission shall be treated as if he had resigned, unless the **executive appointing authority** reaffirms the member's appointment. However, the counting of such a member toward a quorum requirement or the voting by such a member does not invalidate any official action taken by the commission before the time that the minutes of the commission reflect that the member has resigned.

SECTION 2. IC 36-7-11.1-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3.1. (a) A member appointed to the commission under section 3 of this chapter before July 1, 2009, shall continue to serve as a member of the commission after June 30, 2009, until:**

(1) the end of the term for which the member was appointed;
or

(2) the executive removes the member for any reason.

If the executive removes the member for any reason, the executive shall appoint a successor to serve for the remainder of the vacated term.

(b) This section expires July 1, 2014.

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 194, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 2, delete "and".

Page 2, line 4, delete "." and insert "; and

(C) may select one (1) member from a list of names submitted by the local chapter of the American Institute of Architects."

Page 2, line 8, delete "and".

Page 2, line 12, delete "." and insert "; and

(C) may select one (1) member from a list of names submitted by the local chapter of the American Institute of Architects."

Page 3, after line 5, begin a new paragraph and insert:

"SECTION 2. IC 36-7-11.1-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3.1. (a) A member appointed to the commission under section 3 of this chapter before July 1, 2009, shall continue to serve as a member of the commission after June 30, 2009, until:**

(1) the end of the term for which the member was appointed; or

(2) the executive removes the member for cause.

If the executive removes the member for cause, the executive shall appoint a successor to serve for the remainder of the vacated term.

(b) This section expires July 1, 2014."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 194 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Madam President: I move that Engrossed Senate Bill 194, which is eligible for third reading, be returned to second reading for purposes of amendment.

MILLER

 SENATE MOTION

Madam President: I move that Senate Bill 194 be amended to read as follows:

Page 2, line 19, strike "Each" and insert **"Except as provided in subsection (d), each"**.

Page 2, between lines 22 and 23, begin a new paragraph and insert: **"(d) A member shall serve at the pleasure of the appointing authority and may be removed for any reason."**

Page 2, line 23, delete "(d)" and insert **"(e)"**.

Page 2, line 25, strike "Any member of the".

Page 2, line 26, strike "commission may be removed for cause by the".

Page 2, line 26, delete "appointing".

Page 2, line 27, delete "authority."

Page 2, line 28, delete "(e)" and insert **"(f)"**.

Page 2, line 31, delete "(f)" and insert **"(g)"**.

Page 2, line 41, delete "(g)" and insert **"(h)"**.

Page 3, line 4, delete "(h)" and insert **"(i)"**.

Page 3, line 20, delete "cause." and insert **"any reason."**

Page 3, line 21, delete "cause," and insert **"any reason,"**.

(Reference is to SB 194 as printed January 23, 2009.)

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